



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

Record of Determination for an interim public use limitation
restricting Segways from all of National Mall & Memorial Parks
and from President's Park

Pursuant to 36 C.F.R. §§ 1.5(a), 4.10(a) the National Park Service is imposing an interim restriction on the use of Segways from all of National Mall & Memorial Parks and President's Park, which is located within Washington, D.C., including all of its park areas, sidewalks, trails and roads. Violation is prohibited and subject to citation.

The Segway, a unique and new mode of personal transportation, is a motorized two-wheeled vehicle with a maximum speed of up to 12.5 miles per hour. Weighing up to 83 pounds, the Segway is operated by a single individual from a standing position and has not been designed, tested or approved as a medical device. Given its design, the Segway falls within the National Park Service's definition of a motor vehicle under 36 C.F.R. § 1.4; and therefore, operating a Segway on Federal parkland is already prohibited under 36 C.F.R. § 4.10(a) except on park roads, parking areas, and designated routes and areas. No such designated routes or areas exist for Segways. Further, the National Park Service does not believe that it is appropriate without further analysis for Segways to operate even on the park roads or parking areas within the National Mall & Memorial Parks and President's Park.

This interim public use limitation is based upon the lack of objective data on operational safety and transportation mode interaction associated with this emerging technology as well as concerns on how it impacts on park visitors and park resources and memorials. Consistent with many other jurisdictions, this limitation is necessary to ensure public safety, since the unrestricted use of such devices on park roads or parking areas has been generally identified as potentially unsafe. Indeed, the Segway Reader's Guide states that the Segway "is not intended or recommended for primary use on streets or roads." Lesser use restrictions will not suffice due to these safety issues, its potential impact on park visitors and park resources, and the volume and speed of motor vehicle traffic and parking in these Federal parks in Washington, D.C.

Pursuant to D.C. Code Ann. § 10-104 (2001), Federal parkland in the District of Columbia is under the management control and control of the National Park Service, and activities on Federal parkland are subject to its laws and regulations. Nevertheless, District of Columbia law already limits Segways in areas under its jurisdiction. Specifically, D.C. Law 14-235--which will expire October 1, 2005--allows the D.C. Mayor to promulgate regulations allowing Segways, hat are defined as "electric personal assistive mobility devices," but with age and operational restrictions, including a prohibition against their use on sidewalks within the District of Columbia's Central Business District unless expressly designated by Order of the Mayor.

Nevertheless, while Segways are prohibited by this interim public use limitation from all of the Federal parkland of National Mall & Memorial Parks and President's Park, the National Park Service is conducting a Visitor Transportation Study for these park areas to allow us to review the interim public use limitation. The National Park Service will also consider whether and how Segways may be operated safely, with minimum impact on park visitors and park resources, and with due respect to the cultural and historic landscapes and memorials that the Park Service is charged to maintain and preserve.

To that end, the Park Service anticipates that it will be able to consider the results from Federal Highway Administration's ongoing studies on the operational and safety characteristics of Segways, and of the potential interaction of Segways with other transportation modes typically using trails and sidewalks. These studies should allow the National Park Service to better understand safety and mode interaction issues as well as the implications of those findings for Federal parkland in Washington, D.C. Indeed, the National Park Service welcomes the input of the public and any interested parties and will accept written submissions that are addressed to Alexa Viets, Transportation Planner, National Mall & Memorial Parks, at 900 Ohio Drive, S.W., Washington, D.C. 20024, which will be subject to public inspection.

Pursuant to 36 C.F.R. § 1.5(b), publication of this interim restriction as rulemaking in the Federal Register is unwarranted. With only a few Segways now beginning to be seen in certain parts of Washington, D.C., this public use limitation will allow us to continue to preserve the parks' natural, aesthetic or cultural values and is not of a highly controversial nature. This is also consistent with hundreds of past public use limitations or park closures, the legal opinion of the Office of the Solicitor, and past judicial adjudications. See e.g. Spiegel v. Babbitt, 855 F.Supp. 402 (D.D.C. 1994),

aff'd and vacated in part w/o op. 56 F.3d 1531 (D.C. Cir. 1995), reported in full, 1995 US App. LEXIS 15200 (D.C. Cir. May 31, 1995); Picciotto v. United States, No. 99-2113 (D.D.C.); Picciotto v. United States, No. 94-1935 (D.D.C.); Picciotto v. Lujan, No. 90-1261 (D.D.C.); Picciotto v. Hodel, No. 87-3290 (D.D.C.); Mahoney v. Norton, No.02-1715 (D.D.C.), plaintiffs' emergency motion for injunction pending appeal denied Mahoney v. Norton, No.02-5275 (D.C.Cir.) (per curiam).

Pursuant to 36 C.F.R. § 1.7, notice of this public use limitation will be made through notices available at the park headquarters, through media advisories, park handouts, and by notifying any Segway rental companies operating in Washington, D.C. that they advise their customers. Finally, pursuant to 36 C.F.R. § 1.5(b), this determination is available to the public upon request.

V Keys 3/21/2005
Superintendent Date
National Mall & Memorial Parks

Acting Maria Santo 3/22/2005
Director Date
White House Liaison